

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DENTAL HEALTH SERVICES INC et al,

Plaintiffs,

v.

TOBY MILLER et al,

Defendant.

CASE NO. C23-0383-KKE

ORDER CONTINUING TRIAL AND
CERTAIN CASE DEADLINES

This matter came before the Court on Plaintiffs' Motion to Continue Trial and Related Dates. Dkt. No. 45. The Court heard oral argument on the motion on December 12, 2023. Dkt. No. 56. For the reasons stated in open court, Plaintiffs' motion (Dkt. No. 45) is GRANTED IN PART and DENIED IN PART. The parties are reminded that no further extensions of deadlines will be granted absent a showing of exceptional circumstances. Failure to complete discovery within the time allotted does not constitute exceptional circumstances.

The trial and related deadlines are set as follows:

Event	Date
TRIAL SET FOR 9:30 am on:	July 29, 2024
Length of Trial	10 Days
All motions related to discovery must be filed by	January 31, 2024
Discovery must be completed by	March 1, 2024

All dispositive motions and motions challenging expert witness testimony must be filed by this date (<i>see</i> LCR 7(d)). Such motions must be noted for consideration no later than the fourth Friday thereafter (<i>see</i> LCR 7(d)).	April 1, 2024
Settlement conference, if mediation has been requested by the parties per LCR 39.1, held no later than	May 30, 2024
All motions in limine must be filed by	June 24, 2024
Agreed LCR 16.1 Pretrial Order due, including exhibit list with completed authenticity, admissibility, and objections fields	July 8, 2024
Trial briefs, preliminary proposed findings of fact and conclusions of law, and deposition designations due	July 15, 2024
Pretrial conference scheduled at 10:00 am on:	July 19, 2024

All other dates are specified in the Local Civil Rules. The dates set forth in this order are firm dates that can be changed only by order of the Court, not by agreement of counsel for the parties. If any of the dates identified in this Order or the Local Civil Rules fall on a weekend or federal holiday, the act or event shall be performed on the next business day.

If the trial date assigned to this matter creates an irreconcilable conflict, counsel must notify Diyana Staples, Courtroom Deputy, at Diyana_Staples@wawd.uscourts.gov in writing within ten (10) days of the date of this Order and must set forth the exact nature of the conflict. A failure to do so will be deemed a waiver. Counsel must be prepared to begin trial on the date scheduled, but it should be understood that the trial may have to await the completion of other cases.

PROCEDURE FOR DISCOVERY DISPUTES

As required by LCR 37(a), all discovery matters are to be resolved by agreement if possible. If agreement is not possible, prior to the filing of any discovery motions, the Court directs the parties to request a conference with the Court. *See* Fed. R. Civ. P. 16(b)(3)(B)(v). The movant must submit a joint statement to the Court briefly identifying the issue(s) in dispute. The joint statement shall be no more than three pages and shall be filed via CM/ECF. Thereafter, the movant should contact Diyana Staples at Diyana_Staples@wawd.uscourts.gov to schedule a conference.

EXHIBITS

Counsel are directed to cooperate in preparing the final pretrial order in the format required by LCR 16.1, except as detailed below. The parties must deliver two copies of their respective trial exhibits to Diyana Staples, Courtroom Deputy, seven days before the trial date. Each exhibit shall be clearly marked. The Court hereby alters the LCR 16.1 procedure for numbering exhibits: Plaintiff(s)' exhibits shall be numbered consecutively beginning with 1; Defendant(s)' exhibits shall be numbered consecutively beginning with 500. Duplicate documents shall not be listed twice. Once a party has identified an exhibit in the pretrial order, it may be used by any party. Each set of exhibits shall be submitted in a three-ring binder with appropriately numbered tabs.

In addition, no later than seven days before the trial date, the parties should send an electronic copy of all exhibits in .PDF format with Optical Character Recognition ("OCR") searchable text to Diyana Staples, Courtroom Deputy, at Diyana_Staples@wawd.uscourts.gov. The parties should notify the Court of any physical objects or files that cannot be transmitted electronically. Exhibits must be marked as described above, and the following protocols also apply: (1) Electronic exhibits must be transmitted individually (i.e., one exhibit per file), but exhibits may have multiple pages; (2) Exhibit file names should match the descriptions listed on the joint exhibit list as closely as possible except that file names should not exceed 80 characters, e.g., Ex. 1 – Accident Scene Photo; Ex. 501 – Email dated 4-03-23.

PRIVACY

Pursuant to LCR 5.2(a), parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the Court or used as exhibits in any hearing or at trial, unless otherwise ordered by the Court:

- Dates of Birth – redact to the year of birth, unless deceased.

- Names of Minor Children – redact to the initials, unless deceased or currently over the age of 18.
- Social Security or Taxpayer Identification Numbers – redact in their entirety.
- Financial Accounting Information – redact to the last four digits.
- Passport Numbers and Driver License Numbers – redact in their entirety. Parties in social security appeals and immigration cases shall comply with LCR 5.2(c).

SETTLEMENT

If this case settles, counsel shall notify Diyana Staples via email at Diyana_Staples@wawd.uscourts.gov as soon as possible. Pursuant to LCR 11(b), an attorney who fails to give the courtroom deputy prompt notice of settlement may be subject to sanctions.

Dated this 12th day of December, 2023.



Kymberly K. Evanson
United States District Judge